

Before the
Federal Communications Commission
Washington, D.C. 20554

PR Docket No. 92-136

In the Matter of

Amendment of Part 97 of the	RM-7894
Commission's Rules to Relax	RM-7895
Restrictions on the Scope of	RM-7896
Permissible Communications in	
the Amateur Service.	

MEMORANDUM OPINION AND ORDER

Adopted: May 9, 1994;

Released: June 10, 1994

By the Commission:

1. In the *Report and Order*¹ in this proceeding the Commission amended the amateur service rules concerning permissible communications. David B. Popkin and Rolland D. Cummings filed petitions for partial reconsideration. Both petitions request further relaxation of Section 97.113 of the Rules, 47 C.F.R. § 97.113² to permit the retransmission of time broadcasts originated by United States Government stations. Popkin also proposes to amend Section 97.113 to permit the retransmission of other information originated by Government stations. Additionally, he proposes to substitute the phrase "instructional activity" for the phrase "classroom instruction" in Section 97.113(c).³ Both petitioners state that they presented these views in the comment stage of this proceeding.

2. The rule amendments adopted by the *Report and Order* allow amateur stations greater flexibility to provide communications for public service projects and personal communications needs. Specifically, Section 97.113 was amended to allow licensees to use amateur service frequencies to facilitate events such as races and parades, to support educational activities, to provide personal communications such as making appointments and ordering food, to collect data for the National Weather Service, and to provide assistance voluntarily even where there are other authorized radio services available.⁴

3. The petitioners contend that the Commission failed to address the issues they presented in their comments. As stated in the *Report and Order*, over eighty comments and reply comments were filed to the *Notice*.⁵ Although we are

not required to discuss the suggestions of each individual commenter in an informal rule making proceeding, we did carefully consider the points raised by the petitioners.⁶

4. Both petitioners contend in the original item, and in this instant Petition for Reconsideration, that the retransmission of time broadcasts should be permitted under the relaxed restrictions. Although the retransmission of government weather broadcasts is authorized in the *Report and Order*, the amateur service community did not want to expand this provision to include the retransmission of other Government broadcasts on amateur service bands. Such transmissions can be widely received using very affordable receivers.

5. Petitioner Popkins' assertion that the term "classroom" is overly restrictive is without merit. The term "classroom instruction" as contained in the rules does not restrict teachers to the physical confines of a "normal" classroom. For the purpose of this rule, what constitutes classroom instruction is left for the teacher to decide, and therefore, the requested rule change is unnecessary.

6. In view of the foregoing, and pursuant to the authority contained in 47 U.S.C. § 154(i), IT IS ORDERED that the petitions of David B. Popkin and Rolland D. Cummings requesting further amendment to the permissible communications rules ARE DENIED.

7. IT IS FURTHER ORDERED that this proceeding IS TERMINATED.

8. For further information concerning this *Memorandum Opinion and Order* contact J. Joy Alford, Private Radio Bureau, (202) 632-4964.

FEDERAL COMMUNICATIONS COMMISSION

William F. Caton
Acting Secretary

¹ 8 FCC Rcd 5072 (1993).

² Section 97.113(e) provides, in pertinent part: "No station shall retransmit programs or signals emanating from any type of radio station other than an amateur station, except propagation and weather forecast information intended for use by the general public and originated from United States Government stations, and communications, including incidental music, originating on United States Government frequencies between a space shuttle and its associated Earth stations. ..."

³ Section 97.113(c) provides: "A control operator may accept

compensation as an incident of a teaching position during periods of time when an amateur station is used by that teacher as a part of classroom instruction at an educational institution."

⁴ *Report and Order* at paragraph 7.

⁵ *Report and Order* at paragraph 2.

⁶ In *Automotive Parts and Accessories Association, Inc. v. Boyd*, 407 F.2d 330, 338 (D.C. Cir 1968) the court said: "We do not expect the agency to discuss every item of fact or opinion included in the submissions made to it in informal rule making."